IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 3215 of 1999

Between:

1 Chandraiah son of Lachmanna
Khanapur Village, Jukkal Mandal, Nizamabad District.
2 Hanmandhu son of Lachmanna
Khanapur Village, Jukkal Mandal, Nizamabad District.
3 D.Vilas son of Agamaiah,
Khanapur Village, Jukkal Mandal, Nizamabad District.
4 D.Om Prakash son of Agamaiah
Khanapur Village, Jukkal Mandal, Nizamabad District.
5 Shankar Goud son of Narsa Goud
Khanapur Village, Jukkal Mandal, Nizamabad District.
6 Nabi son of Raj Mohammed
Khanapur Village, Jukkal Mandal, Nizamabad District.
7 Kalu son of Ramya
Khanapur Village, Jukkal Mandal, Nizamabad District.
8 Chotu son of Badruddin
Khanapur Village, Jukkal Mandal, Nizamabad District.
9 Dasti Ram son of Shankar
Khanapur Village, Jukkal Mandal, Nizamabad District.
10 Nagu son of Lingya
Khanapur Village, Jukkal Mandal, Nizamabad District.
11 Vittal son of Lingya
Khanapur Village, Jukkal Mandal, Nizamabad District.
12 Manik son of Lingya
Khanapur Village, Jukkal Mandal, Nizamabad District.
13 Pandari son of late Shivram
Khanapur Village, Jukkal Mandal, Nizamabad District.
14 Smt.Ujala Bai W/o Surya Kanth
Khanapur Village, Jukkal Mandal, Nizamabad District.
15 Devaiah son of Masna
Khanapur Village, Jukkal Mandal, Nizamabad District.
16 Masna son of Peeraiah
Khanapur Village, Jukkal Mandal, Nizamabad District.
17 Gangaram son of Balanna
Khanapur Village, Jukkal Mandal, Nizamabad District.

18 Laxya son of late Gailya
Khanapur Village, Jukkal Mandal, Nizamabad District.
19 Erappa son of Basappa
Khanapur Village, Jukkal Mandal, Nizamabad District.
20 Naga son of Late Laxya
Khanapur Village, Jukkal Mandal, Nizamabad District.
21 Earyya son of Kamiya
Khanapur Village, Jukkal Mandal, Nizamabad District .

..... PETITIONER(S)

AND

1 Government of A.P., rep.by its Secretary,

Irrigation Dept., Secretariat, Hyderanad.
2 The District Collector, Nizamabad.

...RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction to implement the orders passed by this Hon'ble High Court in WP.No.8884 of 1990 dated 23-04-1997 in the interest of justice and equity.

Counsel for the Petitioner:MR.V.TULASI REDDY

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

O R D E R :

The petitioners claim to be owners of agricultural lands in Khanapur Village, Jukkal Mandal, Nizamabad District. The said lands were submerged in Khanapur Tank during the year 1980. When the compensation was not paid by the respondents, allegedly for the reason that they are assigned lands, the petitioners filed a Writ Petition before this Court being W.P.No.8884 of 1990 and the same was disposed of by a Division Bench of this Court, by order dated 23-4-1997, directing the respondents to conduct enquiry and pay compensation after notifying the lands. Even thereafter, no action was taken and, therefore, the present writ petition is filed seeking Writ of Mandamus directing the respondents to implement the orders of the Division Bench.

A counter affidavit is filed by the 2nd respondent. It is stated that in respect of petitioners 3 and 4, an award has already been passed and insofar as other petitioners are concerned, an objection was raised. It is contended that as the lands are assigned lands, there is no necessity to pay any compensation. Having regard to the decision of Larger Bench of seven Judges of this Court in **LAO-cum-RDO, Chevella Division, Domalaguda, Hyderabad v. M.Pandu**, the submission has no force.

While reversing the Full Bench judgment of five learned Judges of this Court in **State of Andhra Pradesh v. Bondapalli Sanyasi and others**, a Larger Bench of

seven Judges of this Court in **LAO-cum-RDO, Chevella Division, Domalaguda, Hyderabad** (Supra-1) laid down as under.

> In the circumstances, we hold that the assignees of the Government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the land for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act,1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act,1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land.

The writ petition is accordingly disposed of directing the respondents to take appropriate action for payment of compensation in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs.

_____

(V.V.S. RAO, J.)

21-07-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary to Government, Irrigation Department, Government of A.P., Secretariat, Hyderabad.
2 The District Collector, Nizamabad.

3. 2CCs to Government Pleader for Land Acquisition,

High Court of A.P., Hyderabad.

4. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3215 of 1999

Dt.21-07-2004

(Msr)